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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LE, LANA N	

ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/777,884	ZEHNLE ET AL.	
	Examiner	Art Unit	
	Lana N. Le	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13-15 and 17-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-11,13-15 and 17* is/are allowed.

6)☒ Claim(s) *18-31, 33-36* is/are rejected.

7)☒ Claim(s) *32* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 18-19 and 22-24, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (6,141,536) (hereinafter Cvetkovic) in view of Morimura (JP 2001-238141).

Regarding claim 18, Cvetkovic disclose a method for receiving a designated program, the method comprising the acts of:

reading program designation data; locating a designated program that matches at least a portion of the program designation data with a program monitoring receiver and signaling the location of the program (col 4, lines 39-50). However Cvetkovic fail to disclose when the program monitoring receiver locates the designated program, automatically turning ON a selected program receiver for receiving the designated program. Morimura discloses when the program monitoring receiver locates the designated program chosen by the user, automatically turning ON a selected program receiver for receiving the designated program (power ON at start time of predetermined program); and signaling a location of the designated program (locating the program extracted)

(paras. 6-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the receiver to automatically turn on the receive the selected program in order to modify the power supply on time automatically at the start time of the received program depending on user's selection as suggested by Morimura (para. 6).

Regarding claim 19, Cvetkovic and Morimura disclose the method of claim 18, where Cvetkovic disclose locating a designated program comprises the acts of: receiving a transmitted program signal; obtaining program indicia (PI code) from the transmitted program signal; and comparing (via 27) the program indicia to at least a portion of the program designation data (program audio data) (col 6, lines 47-57).

Regarding claims 22 and 30, Cvetkovic et al disclose a method and computer readable medium for receiving a designated program, the method comprising the acts of: receiving a first program (user selected program) with a first program receiver (10);

locating a designate program (RDS alternate frequencies having same audio broadcast program) with a second program receiver (12), the designated program matching program designation data to identify availability of a first designated program (same audio broadcast program); tuning the second program receiver to receive the first designated program; and interchanging search and reception operations of the first and second program receiver so that the first program receiver begins to search for a second designated program while the second program receiver receives the first designated program, while

the second program receiver receives the first designated program (col 4, lines 18-21).

Cvetkovic et al do not disclose when the second program receiver locates the designated program, automatically turning ON a first program receiver. Morimura discloses when the program monitoring receiver locates the designated program chosen by the user, automatically turning ON a selected program receiver (power ON at start time of predetermined program) (paras. 6-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the receiver to automatically turn on the receive the selected program in order to modify the power supply on time automatically at the start time of the received program depending on user's selection as suggested by Morimura (para. 6).

Regarding claim 23, Cvetkovic and Morimura disclose the method of claim 22, wherein Cvetkovic et al disclose the method comprising the act of reading operator specified program preference data comprising a program code list (PI code; col 6, lines 47-49).

Regarding claim 24, Cvetkovic and Morimura disclose the method of claim 22, wherein Cvetkovic et al disclose the method comprising the act of interchanging operations of the first and second program receiver a second time so that the first program receiver receives the subsequent designated program for presentation while the second program receiver locates a succeeding designated program (selection of tuner to use as RDS alternate frequency tuner is arbitrary; col 4, lines 18-21).

Regarding claim 31, Cvetkovic and Morimura disclose the computer readable medium of claim 30, where Cvetkovic disclose the program designation data comprises at least one operator specified program code (PI code; col 6, lines 47-49).

Regarding claim 33, Cvetkovic et al and Morimura disclose the machine readable medium of claim 30, where Cvetkovic discloses locating a designated program comprises the act of sweeping at least one of a television and a radio frequency range (radio alternating frequencies range; col 4, lines 1-6).

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) and Morimura in view of Ellis et al (US 2005/0,020,223).

Regarding claim 25, Cvetkovic et al and Morimura disclose the method of claim 22, where they do not disclose the method further comprising the acts of generating an announcement signal in response to locating the designated program and combining the announcement signal with the first program. Ellis discloses a method comprising the acts of generating an announcement signal in response to locating the designated program (found a matched content) and combining the announcement signal (notification signal to user by speaker of matched content) with the first program (new matched content) (para. 439). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have an announcement signal in order to notify to the user in a form of display or sound that there is a match for the desirable content.

4. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic (US 6,141,536) in view of Ellis et al (US 2005/0,020,223) and further in view of Morimura (JP 2001-238141).

Regarding claim 26, Cvetkovic et al disclose a machine readable medium encoded with instructions that cause a signal receiver to perform a method comprising:

reading program designation data (reading RDS alternate frequencies having same audio broadcast program or AFs signal quality from memory); receiving a selected program with a selected program receiver (10) (user selected program) (col 4, lines 6-7); locating a designated program that matches the program designation data with a program monitoring receiver (12) (col 4, lines 39-50). Cvetkovic et al do not disclose generating an announcement signal when the program monitoring receiver locates the designated program. Ellis et al disclose generating an announcement signal (announcing via output to speaker) when the program monitoring receiver locates the designated program (para. 439). It would have been obvious to one of ordinary skill in the art at the time the invention was made to generate an announcement signal in order to notify to the user there's a matching user designated content.

Cvetkovic et al and Ellis et al do not disclose when the program monitoring receiver locates the designated program, automatically turning ON a selected program receiver for receiving the designated program. Morimura discloses when the program monitoring receiver locates the designated program chosen by the user, automatically turning ON a selected program receiver for receiving the

designated program (power ON at start time of predetermined program) (paras. 6-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the receiver to automatically turn on the receive the selected program in order to modify the power supply on time automatically at the start time of the received program depending on user's selection as suggested by Morimura (para. 6).

Regarding claim 27, Cvetkovic et al, and Ellis et al, and Morimura disclose the method of claim 26, where Cvetkovic et al disclose where locating a designated program comprises the acts of: receiving a transmitted program signal (RDS data); obtaining program indicia (PI code) from the transmitted program signal; and comparing (via 27) the program indicia to at least a portion of the program designation data (AFs having the same audio content program) (col 6, lines 47-57).

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Ellis et al (US 2005/0,020,223) in view of Morimura (JP 2001-238141) and further in view of Migliaccio (US 6,847,802).

Regarding claim 28, Cvetkovic and Morimura, and Ellis et al disclose the machine readable medium of claim 26, where they do not disclose reading program designation data comprises the act of reading operator specified program preference data. Migliaccio discloses reading program designation data comprises the act of reading operator specified program preference data (col 4, lines 15-17; step S9; fig. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the user preference data to the

modified RDS signal in order to add other signals components characteristic of the radio apparatus as suggested by Migliaccio (col 3, lines 41-45).

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Morimura and further in view of Migliaccio (US 6,847,802).

Regarding claim 20, Cvetkovic et al and Morimura disclose the method of claim 18, wherein they do not disclose the program designation data comprises operator specified program preference data. Migliaccio discloses user specified program preference data (col 4, lines 15-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the user preference data to the RDS signal in order to add other signals components characteristic of the radio apparatus as suggested by Migliaccio (col 3, lines 41-45).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Morimura (JP 2001-238141) in view of Seto et al (US 2002/0,120,943).

Regarding claim 21, Cvetkovic and Morimura disclose the method of claim 18, where they do not disclose reading the program designation data comprises the act of reading program selection characteristic data including at least one of a program selection count and a program selection time. Seto et al disclose a method of reading the program designation data comprises the act of reading program selection characteristic data including at least one of a program selection count and a program selection time (paras. 41-42). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to read from the memory of Cvetkovic et al program selection count and time in the receiver of Cvetkovic et al in order to base the tuning on the most selected and most recent program stored in the program selection history as suggested by Seto et al (para. 12).

8. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cvetkovic et al (US 6,141,536) in view of Morimura (JP 2001-238141) in view of Bates (US 6,748,237).

Regarding claims 35 and 36, Cvetkovic et al and Morimura disclose the method and computer readable medium of claims 22 and 26 respectively, wherein they fail to disclose an operator interface operable to: report signal strength of the operator designated program located in the first incoming signal; and accept an authorization that directs the receiver to switch reception to the first incoming signal. However, Bates disclose an operator interface (visual indicator to user 216; fig. 8) operable to: report signal strength (user is informed that signal strength of tuner 2 favorite station is stronger than tuner 1 station) of the operator designated program located in the first incoming signal (col 9, lines 7-35); and accept an activation that directs the receiver to switch (user accepts by depressing next button to activate the stronger signal station) reception to the first incoming signal (col 9, lines 7-35)(fig. 9, 208, 214,216). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the receiver of Bates to have a user interface in order to notify to the user the reception level of the favorite station of the other tuner as suggested by Bates.

Response to Arguments

9. Applicant's arguments with respect to claims 18-31, 33, and 35-36 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

10. Claims 1-11, 13-15, 17, and 34 are allowable over the cited prior art.

Regarding claim 1, the cited prior art fail to disclose the controller operable to recognize the availability of the operator designated program, and further operable to generate a power control signal on the comparison output coupled to the selected program receiver tuner in response to the availability of the operator d.esignated program: and

the selected program receiver tuner operable to automatically turn ON in response to the power control signal that the controller generated in response to the availability of the operator designated program, and further operable to receive the operator designated program.

Regarding claims 7 and 13, the cited prior art fail to disclose or suggest the program monitoring receiver comprising a monitoring tuner and comparison circuit output coupled to the comparison circuitry coupled to the monitoring tuner and to the selected program receiver operable to generate a power control signal on the comparison output when the program monitoring receiver locates the operator designated program; the selected program receiver operable to automatically turn ON in response to the power control signal and receive the

operator designated program: and signaling circuitry coupled to the comparison output, the signaling circuitry comprising a signaling output for carrying a designated program location signal.

11. Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:30-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNL
/lnl/

10-25-07

LANA LE
PRIMARY EXAMINER